

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE, TENNESSEE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) Case No.:
) 3:16-CR-00046-TAV-HBG-1
SZUHSIUNG HO,)
also known as)
ALLEN HO,)
)
Defendant.)
)

PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 6, 2017
1:36 p.m. to 1:59 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CHARLES E. ATCHLEY, JR., ESQUIRE
Assistant United States Attorney
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REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
P.O. Box 1823
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APPEARANCES (CONTINUED) :

FOR THE DEFENDANT:

PETER ZEIDENBERG, ESQUIRE
Arent Fox, LLP
1717 K Street NW
Washington, DC 20006

WADE V. DAVIES, ESQUIRE
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1 || (Call to Order of the Court)

2 THE COURT: Thank you. Good afternoon, everyone. Let's
3 call up the next case, please.

4 THE COURTROOM DEPUTY: Criminal Action 3:16-CR-46, United
5 States of America versus Szuhsiung Ho.

6 Mr. Charles Atchley, Jr. and Mr. Casey Arrowood are here
7 on behalf of the government.

Is the government present and ready to proceed?

9 MR. ATCHLEY: Present and ready, Your Honor.

10 THE COURTROOM DEPUTY: Mr. Peter Zeidenberg and Mr. Wade
11 Davies here on behalf of the defendant.

12 Is the Defendant present and ready to proceed?

13 MR. ZEIDENBERG: Good afternoon, Your Honor.

14 THE COURT: Good afternoon. Thank you. Welcome,
15 everyone. Let's begin by asking the United States to please give
16 us the status of this case.

17 MR. ATCHLEY: Your Honor, this case is United States of
18 America versus Szuhsiung Ho, Docket No. 3:16-CR-46. Was indicted
19 April 5th of 2016. It is currently set for trial on January 24th
20 in this courtroom. It is here today for a change of plea.

THE COURT: All right. That is pursuant to a plea
agreement that's filed, Document 86, in this case.

23 So, Mr. Ho, turning to you, the Court has been informed
24 today, as well as via your plea agreement, that you do wish to
25 change your plea to a plea of guilty in this case. If you'll

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1 please come up to the lectern, along with your counsel, we'll begin
2 today's proceedings by having the courtroom deputy swear you in.

3 THE COURTROOM DEPUTY: Sir, if you'll raise your right
4 hand.

5 (The Defendant Is Sworn.)

6 THE COURTROOM DEPUTY: Please state your name for the
7 record.

8 THE DEFENDANT: Szuhsiuung Ho.

9 THE COURT: Thank you, Mr. Ho. Before I accept your
10 guilty plea, there are a number of questions I need to ask you to
11 assure your plea is valid.

12 Do you understand you're now under oath, and you if
13 answer any of my questions falsely, your answers may later be used
14 against you in another prosecution for perjury or for making a
15 false statement?

16 Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Thank you. You've given us your name. I
19 notice the indictment also identifies you as AKA Allen Ho. But do
20 you go by any other names other than those names referenced?

21 THE DEFENDANT: No.

22 THE COURT: And how old are you, please?

23 THE DEFENDANT: 66.

24 THE COURT: And how far did you go in any schooling?

25 THE DEFENDANT: Went to Berkeley for my master's degree

UNITED STATES DISTRICT COURT

1 in mechanical engineering, and then I went to University of
2 Illinois in Champaign-Urbana for my PhD degree in nuclear
3 engineering.

THE COURT: And I need to go ahead and ask, but I anticipate the answer to this being no, but at the present time, for any reason, do you have any difficulties reading or writing?

7 THE DEFENDANT: No.

8 THE COURT: And have you ever suffered from or been
9 treated for any mental health illness or addiction to narcotic
10 drugs of any kind?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Have you taken any drugs, medicine, pills, or
13 alcoholic beverage of any kind within the last 24 hours?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: And do you understand what's happening here
16 today?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Thank you. Mr. Zeidenberg or Mr. Davies, do
19 you consider this defendant competent to enter a plea of guilty to
20 the charged offense?

21 MR. ZEIDENBERG: Yes, I do.

22 THE COURT: All right. Now, Mr. Ho, let me ask you, have
23 you received a copy of the indictment in this case brought by the
24 government?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Have you had ample opportunity to discuss the
2 charges against you in your case with your attorneys?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Have you told your lawyers everything you
5 know about this case?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you believe your lawyers are fully aware
8 of all the facts on which the charges are based?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Has your lawyer -- or have your lawyers
11 advised you as to the nature and meaning of the charges?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Have your lawyers specifically advised you as
14 to the elements of the offense or offenses charged which the
15 government must prove beyond a reasonable doubt?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Have your lawyers advised you as to any
18 defense you may have to the charges against you?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Have your lawyers explained the terms of the
21 plea agreement to you?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Have you and your lawyers discussed any
24 maximum possible penalty, including any imprisonment, fine, and
25 term of supervised release, as well as any mandatory minimum

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1 penalty?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Have you and your lawyers discussed any
4 applicable forfeiture, the Court's authority to order restitution,
5 and the Court's obligation to impose a special assessment?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Are you satisfied with the advice your
8 lawyers have giving you in this matter?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Mr. Zeidenberg, are you satisfied the
11 defendant understands the charge and elements of the offense
12 charged?

13 MR. ZEIDENBERG: Yes.

14 THE COURT: And the legal meaning of the words used in
15 the indictment and in the plea agreement?

16 MR. ZEIDENBERG: I am satisfied.

17 THE COURT: Thank you.

18 Next, Mr. Ho, I need to talk to you about certain
19 constitutional rights that you would be waiving or giving up by
20 pleading guilty.

21 Do you understand you have a right to plead not guilty to
22 any offense charged against you and to persist in that plea?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you understand you would then have the
25 right to a trial by jury during which you would also have the right

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1 to the assistance of counsel for your defense?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand you'd have the right to see
4 and hear all the witnesses and have them cross-examined in your
5 defense, as well as the right on your own part not to testify,
6 unless you chose to do so in your own defense?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand you would have the
9 right at a trial to compel the attendance of witnesses to testify
10 on your behalf?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand by entering a plea of
13 guilty, if accepted by the Court, there will be no trial and you
14 will have given up the right to a trial of any kind, as well as
15 those other rights associated with a trial that I've described to
16 you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand you will be giving up
19 the right not to be compelled to incriminate yourself, that is the
20 right to remain silent, as well as the right to require the United
21 States to prove you guilty beyond a reasonable doubt?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Next, I want to inquire as to the
24 voluntariness of your plea with these questions. Has any person,
25 including an officer or agent of the government, put any pressure

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on you, mental or physical, to force you to plead guilty?

THE DEFENDANT: None that I know.

THE COURT: All right. And has any person, including an officer or agent of the government, promised you or suggested you'll receive a lighter sentence or other form of leniency as a result of your plea of guilty?

THE DEFENDANT: Not that I can think of.

THE COURT: Let's look at your plea agreement in particular.

Do you understand under the terms of the plea agreement, you and the government agree that, for purposes of sentencing, Sentencing Guidelines Section 2M6.1(a)(2) will be used to calculate your base offense level?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And do you understand -- I'm sure it's been said through your attorneys, but do you understand under that Sentencing Guideline that it appears that a base offense level of 28 is what is called for by that Guideline provision?

Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You also understand the government is agreeing to recommend a sentence at the low end of any calculated Guideline range prior to any other considerations by the Court?

THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. Now, I want to look specifically

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1 at Paragraph 11.

2 Do you understand your plea agreement contains provisions
3 under which you are waiving certain rights, including the right to
4 appeal or collaterally attack your sentence?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Break that down. First, Paragraph 11(a)
7 provides that you agree not to file a direct appeal of your
8 conviction or sentence. Correct?

9 THE DEFENDANT: Correct, Your Honor.

10 THE COURT: Do you understand the only exception to this
11 waiver of direct appeal is, you retain the right to appeal a
12 sentence imposed above the Sentencing Guideline range determined by
13 the Court or above any mandatory minimum sentence deemed applicable
14 by the Court, whichever is greater?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: As part of this waiver, to the extent it's
17 otherwise applicable, do you understand you waive the right to
18 appeal the Court's determination as to whether your sentence would
19 be consecutive or partially concurrent to any other sentence?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Next, Paragraph 11(b) provides that you
22 knowingly and voluntarily waive the right to file any motions or
23 pleadings pursuant to 28 United States Code Section 2255 or to
24 otherwise collaterally attack your conviction or resulting
25 sentence?

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1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you understand the only exception to
4 this waiver is you retain the right to raise, by way of collateral
5 review under Section 2255, claims of ineffective assistance of
6 counsel or prosecutorial misconduct?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And next, Paragraph 11(c) provides that you
9 will not request or receive from any department or agency of the
10 United States any records pertaining to the investigation or
11 prosecution of this case.

12 Do you understand this provision?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Any questions about these waiver provisions
15 in your plea agreement?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: We've gone over the waiver provisions, but do
18 you have any questions at this time about those waiver provisions?

19 THE DEFENDANT: No.

20 THE COURT: Was your answer no?

21 THE DEFENDANT: No.

22 THE COURT: Okay. Thank you. All right. The Court also
23 notes that your plea agreement contains a provision of the type
24 specified in Federal Rule of Criminal Procedure 11(c)(1)(A). This
25 means you pled guilty to a certain charged offense, and the

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1 government has agreed it will not bring or will move to dismiss
2 other charges against you, in particular the United States has
3 agreed to move the Court at the time of sentencing to dismiss the
4 remaining count against you in the indictment, as well as agreeing
5 not to further prosecute you for any other non-tax criminal
6 offenses committed by you that are related to the charges contained
7 in the indictment in this case and that are known to the United
8 States at the time the plea agreement was signed by both parties.

9 Do you understand that provision?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. The Court advises you that if it
12 accepts this plea agreement -- that if it accepts the plea
13 agreement, this agreed disposition between you and the government
14 will be included in the judgment. The Court further advises you
15 that if, for some reason, it were to reject the plea agreement, the
16 Court is not then required to follow the plea agreement, but you
17 would then have the right to withdraw your plea and proceed to
18 trial, date and time to be determined by the Court.

19 Do you understand all that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Thank you. Pursuant to Federal Rules of
22 Criminal Procedure 11(c)(1)(A), the Court will defer decision on
23 whether to accept the plea agreement until having had the
24 opportunity to consider the presentence report in this case.

25 Mr. Zeidenberg, do you wish to waive reading of the

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1 indictment?

2 MR. ZEIDENBERG: Yes, Your Honor.

3 THE COURT: Mr. Atchley, then, if the government at this
4 time would please state its case against this defendant, including
5 the charge, the elements and factual basis for the elements of the
6 charge, and the maximum possible punishment.

7 MR. ATCHLEY: Yes, sir. As stated by the Court, Mr. Ho
8 is here today to enter a guilty plea to the lesser included offense
9 in Count 1, that is conspiracy to directly or indirectly engage or
10 participate in the unauthorized development or production of
11 special nuclear material outside of the United States without the
12 intent to injure the United States or secure an advantage to a
13 foreign nation, in violation of 42 U.S. Code Sections 2077(b) and
14 2272(a).

15 The punishment for this offense is a term of imprisonment
16 up to 10 years -- there is no mandatory minimum associated with
17 it -- a term of supervised release of any period of time up to
18 three years, the possibility of a maximum fine of \$250,000, and a
19 \$100 special assessment.

20 In order to convict Mr. Ho of this offense, the United
21 States would need to prove that Mr. Ho acted willfully and
22 knowingly when he conspired to engage or participate directly or
23 indirectly in the development or production of special nuclear
24 material outside the United States, and he did so without specific
25 authorization to do so by the Secretary of Energy.

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1 The United States would intend to prove in this case, and
2 the defendant is -- has agreed, that during the period alleged in
3 the indictment, the defendant was a nuclear engineer who acted as a
4 consultant to China General Nuclear Power Company. CGNPC is based
5 in the People's Republic of China.

6 The defendant was also the owner and president of Energy
7 Technology International. CGNPC was a State-owned enterprise that
8 specialized in the development and manufacture of nuclear reactors.
9 China General -- China Nuclear Power Technology Research Institute
10 was a subsidiary of CGNPC and served CGNPC's main technology center
11 focused on research, development, and design of nuclear power
12 technology.

13 The defendant willfully sought to profit by his own
14 actions and those of ETI by assisting CGNPC in procuring U.S.-based
15 nuclear engineers from the Eastern District of Tennessee and
16 elsewhere to assist CGNPC and its subsidiaries in designing and
17 manufacturing certain components to nuclear reactors more quickly
18 by reducing the time and financial costs of research and
19 development of nuclear technology, as is alleged more thoroughly in
20 the indictment of this matter.

21 Such technical assistance was related to the following
22 among other matters: (1) CGNPC's Small Modular Reactor Program;
23 (2) CGNPC's Advanced Fuel Assembly Program; (3) CGNPC's Fixed
24 In-Core Detector System; and (4) verification and validation of
25 nuclear reactor-related computer codes.

UNITED STATES DISTRICT COURT

1 The defendant was aware that this type of assistance
2 required the special authorization of the Secretary of Energy
3 before it could be exported to the PRC, and he had sought approval
4 from the Department of Energy in the past. At no time did the
5 defendant obtain specific authorization from the Secretary of
6 Energy for the conduct described in the indictment.

7 This assistance included, but is not limited to, paying
8 the person identified as U.S. Person 1 in the indictment to travel
9 from November 25th, 2013 to November 29th, 2013 to the PRC at
10 CGNPC's request to provide nuclear consulting to CGNPC. During
11 this trip, U.S. Person 1 provided the following Electric Power
12 Research Institute reports to CGNPC: (1) Program on Technology
13 Innovation, EPRI Material Management Matrix; EPRI Report Number
14 1016334; (2) A Method to Predict Cavitation and the Extent of
15 Damage in Power Plant Piping; EPRI Report Number TR-103198-T2; and
16 (3) Assessment of EPRI Fuel Reliability Guidelines for New Nuclear
17 Plant Design; EPRI Report Number 1019211.

18 The Department of Energy National Nuclear Security
19 Administration Office of Nonproliferation and International
20 Security has certified that the technology the defendant sought and
21 did willfully assist in exporting to the PRC is controlled by
22 10 C.F.R. 810.1(a) and illegal to export to the PRC without
23 specific authorization from the Secretary of Energy.

24 THE COURT: All right. Thank you, Mr. Atchley.

25 Now, returning to you, Mr. Ho, did you hear the

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1 government's case against you?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you agree with the government's
4 summary of what you did as outlined in your plea agreement and by
5 the government here today in court?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand these may not be all the
8 facts of the case and that other facts may be relevant to
9 sentencing, and that you and the government retain the right to
10 present additional facts to the Court at the time of sentencing?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand you're pleading guilty to
13 the lesser included offense of Count 1 of the indictment, that
14 being conspiracy to directly or indirectly engage or participate in
15 the unauthorized development or production of special nuclear
16 material outside the United States without the intent to injure the
17 United States or to secure an advantage to a foreign nation in
18 violation of 42 U.S. Code Sections 2077(b) and 2272(a)?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you understand the elements of this charge
21 against you, as outlined by the government today and in your plea
22 agreement?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you understand the punishment for this
25 offense, again, as outlined in your plea agreement, is a term of

UNITED STATES DISTRICT COURT

1 imprisonment of up to 10 years, supervised release of up to three
2 years, a fine of up to \$250,000, and a \$100 special assessment?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. As to the lesser included offense
5 of Count 1 of the indictment, charging you with this violation of
6 42 U.S. Code Sections 2077(b) and 2272(a), how do you plead?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: I'm asking you now how do you wish to plead
9 to that count?

10 THE DEFENDANT: I plead guilty.

11 THE COURT: And do you understand what you're pleading
12 guilty to?

13 THE DEFENDANT: Yeah, Your Honor.

14 THE COURT: And -- thank you. And are you offering to
15 plead guilty because you are in fact guilty?

THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Mr. Ho, if your plea is accepted, you'll be
18 adjudged guilty of a felony. This may deprive you of valuable
19 civil rights, such as the right to vote, hold public office, serve
20 on a jury, and possess any kind of firearms.

21 The Court also advises you that the Court is required to
22 consider any applicable Sentencing Guidelines, but may vary from
23 those Guidelines under some circumstances.

24 Have you had the opportunity to discuss with your lawyers
25 the possible application of these advisory Guidelines to your case?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: The Court further advises you that should it
3 accept your plea of guilty, your sentence could be enhanced or
4 increased due to any prior convictions you may have. In addition,
5 if the Court accepts your plea of guilty, a judgment of conviction
6 will result, and this conviction in this case may be used against
7 you in the future, if you should be convicted in any subsequent
8 proceeding, to enhance or increase any sentence you might receive
9 for any future offenses you might commit. In other words, your
10 guilty plea in this case could hurt you in the future in the event
11 of any future wrongdoing on your part.

12 Do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: The Court also notes that you will not be
15 permitted to withdraw your plea on the basis of the sentence you
16 might receive.

17 Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: The Court further notes that your sentence is
20 to be determined by the Court in conformity with any appropriate
21 sentencing factors, including any applicable Sentencing Guidelines.
22 And the government has not otherwise made any sentencing
23 recommendations to date in this case, other than its agreement in
24 the plea agreement to recommend a sentence at the low end of the
25 applicable Guidelines range.

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1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: The Court will not be able to determine an
4 appropriate sentence until having received the presentence report,
5 and you and the government will have an opportunity to consider and
6 challenge the facts in that report.

7 Under some circumstances, the government may have the
8 right to appeal the sentence imposed by this Court.

9 The Court advises you that parole in the federal system
10 has been abolished. If you are sentenced to prison, you will not
11 be released on parole.

12 Let me ask you, Mr. Ho, are you presently on probation as
13 to any previous offense or on parole from any jail or penal
14 institution?

15 THE DEFENDANT: No.

16 THE COURT: The Court is also required to inform you as
17 to the condition of any period of supervised release that might be
18 imposed in this case, such supervised release will be revoked
19 should you be found in possession of any controlled substance or
20 firearm. This revocation is mandatory under federal law.

21 Knowing these penalties, do you still wish to plead
22 guilty?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: The Court has observed the appearance of this
25 defendant and his responsiveness to the questions asked. Based

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1 upon these observations and answers, the Court finds the defendant,
2 Mr. Szuhsiung Ho, to be in possession of his faculties and is
3 competent to plead guilty. The defendant is not under the
4 influence of narcotics or other drugs or alcohol. He knowingly
5 waives his constitutional rights to trial and other rights accorded
6 to persons accused of a crime.

The factual basis for the guilty plea has been established, and the defendant understands the nature and elements of the offense to which the plea is offered and the maximum penalties provided by law for the offense. The defendant has offered to plead guilty knowingly and voluntarily.

12 Accordingly, the plea of guilty will be accepted and the
13 defendant is adjudged guilty of violating 42 U.S. Code Sections
14 2077(b) and 2272(a). That is, beginning in or about 1997 and
15 continuing until April 5, 2016, in the Eastern District of
16 Tennessee and elsewhere, the defendant did conspire with others to
17 directly or indirectly engage or participate in the unauthorized
18 development or production of special nuclear material outside the
19 United States without the intent to injure the United States or to
20 secure an advantage to a foreign nation.

21 Mr. Ho, do you understand you'll be asked to give
22 information to the United States probation officer for preparation
23 of your presentence report and that you may have your attorney
24 present with you at that time, if you wish?

25 || THE DEFENDANT: Yes, Your Honor.

UNITED STATES DISTRICT COURT

THE COURT: You and your attorney will be permitted to read the presentence report before the sentencing hearing. Within 14 calendar days of filing of the presentence report, all parties must file with the Court any objections they may have to the report or notice of no objections pursuant to Local Rule 83.9(c).

Among other provisions, the Court also reminds the parties of the provisions of Local Rule 83.9(j), which contains the deadlines therein related to the filing of sentencing memoranda and/or motions prior to the sentencing hearing date.

And, Mr. Ho, you're advised that at your sentencing hearing, both you and your attorneys will be permitted to speak on your behalf.

I understand we're going to set sentencing, at least at this point in time, subject to any calendaring necessary -- subject to any necessary calendaring changes, for Wednesday May 17, 2017 at 11:00 a.m.

That otherwise concludes matters necessary to bring up today.

Is there anything else we need to bring up at the present time, Mr. Atchley or Mr. Arrowood, on behalf of the government?

MR. ATCHLEY: Your Honor, may I approach with defense counsel?

THE COURT: Yes.

(Bench conference off the record.)

THE COURT: Mr. Atchley, anything further?

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1 MR. ATCHLEY: No, sir.

2 THE COURT: Mr. Zeidenberg or Mr. Davies, anything
3 further on defendant's behalf this afternoon?

4 MR. ZEIDENBERG: No, Your Honor.

5 THE COURT: If not, then we will stand adjourned. Thank
6 you everyone for being here this afternoon.

7 THE COURTROOM DEPUTY: All rise. This honorable court
8 shall stand adjourned.

9 (Proceedings adjourned at 1:59 p.m.)

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UNITED STATES DISTRICT COURT

1 **CERTIFICATE OF REPORTER**

2 STATE OF TENNESSEE

3 COUNTY OF KNOX

4 I, Rebekah M. Lockwood, RPR, CRR, do hereby certify that
5 I was authorized to and did stenographically report the foregoing
6 proceedings; and that the foregoing pages constitute a true and
7 complete computer-aided transcription of my original stenographic
8 notes to the best of my knowledge, skill, and ability.

9 I further certify that I am not a relative, employee,
10 attorney, or counsel of any of the parties, nor am I a relative or
11 employee of any of the parties' attorney or counsel connected with
12 the action, nor am I financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto set my hand at Knoxville,
14 Knox County, Tennessee this 15th day of August, 2017.

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REBEKAH M. LOCKWOOD, RPR, CRR
Official Court Reporter
United States District Court
Eastern District of Tennessee

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